



Comptroller General
of the United States
Washington, D.C. 20548

Decision

Matter of: Bar J Forest Products, Inc.

File: B-245401

Date: November 4, 1991

Mike Jeffries for the protester.
Glenn G. Wolcott, Esq., Office of the General Counsel, GAO,
participated in the preparation of the decision.

DIGEST

Protester that would not be eligible for contract award in the event its protest were sustained is not an interested party to maintain a protest.

DECISION

Bar J Forest Products, Inc. protests the award of a contract to John Semple for the Skiddo Cull Cecks SSTS timber sale in the Klamath National Forest by the United States Department of Agriculture, Forest Service. Bar J maintains that because the solicitation required bidders to submit sealed bids in the form of lump-sum prices rather than per unit prices, award was improperly made to a bidder who failed to submit a lump-sum bid.

We dismiss the protest.

Under the bid protest provisions of the Competition in Contracting Act of 1984, 31 U.S.C. §§ 3551-3556 (1988), only an "interested party" may protest a federal procurement. That is, a protester must be an actual or prospective offeror whose direct economic interest would be affected by the award of a contract or the failure to award a contract. 4 C.F.R. § 21.0(a) (1991). A protester is not an interested party where it would not be in line for contract award were its protest to be sustained. ECS Composites, Inc., B-235849.2, Jan. 3, 1990, 90-1 CPD ¶ 7.

Here, Bar J acknowledges that it too failed to submit its bid in the lump-sum format which it maintains the solicitation required, and acknowledges that at least one other bidder did submit its bid in the proper form. Bar J has not challenged the eligibility for award of the bidder which, under Bar J's own interpretation of the solicitation, would be eligible for award if its protest were sustained.

Since Bar J would not be in line for award even if we agreed with its interpretation of the solicitation requirement, it lacks the direct economic interest required to maintain a protest.

The protest is dismissed.

A handwritten signature in cursive script, appearing to read "Paul I. Lieberman", followed by a horizontal line.

Paul I. Lieberman
Assistant General Counsel